

Local Rule 22. Certificate of Appealability

- (a) (Interim) Prompt Application and Contents of Motion.** In cases governed by 28 U.S.C. § 2253 and FRAP Rule 22(b), where an appeal has been taken but no certificate of appealability (“COA”) has been issued by the district judge or by this court or a judge thereof, the appellant shall promptly move in this court for such a certificate. Such motion shall identify each issue that the appellant intends to raise on appeal and shall state, with respect to each issue, facts and a brief statement of reasons showing a denial of a constitutional right. When an appeal is filed for which a COA is required and a motion that complies with this rule has not been filed within 30 days after filing the notice of appeal, the clerk shall promptly send the appellant a letter enclosing a copy of this rule and informing the appellant that the required motion for a COA must be filed with the court within 21 days and that failure to file the motion may result in denial of a COA. The motion will be submitted without oral argument. The court will ordinarily limit its consideration of the motion to the issues identified therein. Such an appeal may not proceed unless and until a certificate is granted.
- (b) Time for Filing Appellant's Brief.** In cases governed by 28 U.S.C. § 2253 and FRAP Rule 22(b), the period of time for the filing of appellant's brief and appendix shall not begin to run until a certificate of appealability has issued or, when counsel has been assigned, the date of such assignment, whichever is later.